

**REMARKS**

**Rejections under 35 U.S.C. §103**

Claims 1 – 3 and 5 were rejected under 35 U.S.C. §103 over **Beilin et al.** (USP 6,733,685) in view of **Albrecht et al.** (USP 4,968,585). Claims 4 and 6 were rejected under 35 U.S.C. §103 over **Beilin, Albrecht**, and further in view of **Onishi et al.** (USP 5,459,368).

**Beilin** does not qualify as prior art for these §103 rejections under the provisions of 35 U.S.C. §103(c). In particular, §103(c) states “subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of §102 of this Title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

**Beilin** only qualifies as prior art under §102(e). **Beilin** has the earliest U.S. filing date of September 20, 1996, but a publication date of November 22, 2001. Thus, pursuant to §102(e), **Beilin** was published under 122(b) on November 22, 2001 (*after* the U.S. filing date of February 15, 2001 of the present application - which disqualifies it under §§102(a) and (b)), based on an application for patent filed in the U.S. *before* “the invention” of the present application (at least vis a vis the U.S. filing date of the present application).

Both **Beilin** and the present application were subject to an obligation of assignment to the same “person” (i.e., Fujitsu Limited), at the time the invention was made.

Request for Reconsideration  
Serial No. **09/783,598**  
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Pursuant to §103(c), **Beilin** may not be relied upon to preclude patentability under §103. Accordingly, all the pending rejections under 35 U.S.C. §103, relying on **Beilin**, are improper and should be withdrawn.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
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